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CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2015 NOV 30 PM 2: 53

UNITED STATES OF AMERICA

NO. 3:15-CR- 274-B

v.

MICHAEL JOSEPH CARR

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FACTUAL RESUME

Michael Joseph Carr, (the defendant), William Biggs, (the defendant's attorney), and the United States of America, (the government) agree to the law and facts as follows:

ELEMENTS OF THE OFFENSE

Count One
Enticement of a Minor
(Violation of 18 U.S.C. § 2422(b))

To establish the offense alleged in Count One of the Indictment, the government must prove the following elements beyond a reasonable doubt:

- First: That the defendant knowingly used a facility or means of interstate commerce, that is, the telephone or the Internet, to persuade, induce, entice, or coerce, an individual under the age of eighteen (18) to engage in sexual activity, or attempted to do so;
- Second: That the defendant believed that such individual was less than eighteen (18) years of age; and
- Third : That the defendant could have been charged with a criminal offense for engaging in the specified sexual activity.

STIPULATED FACTS

The stipulated facts that support the defendant's plea of guilty to Count One of the Indictment are as follows:

1. Carr admits that from on or about March 23, 2015, through March 24, 2015, in the Dallas Division of the Northern District of Texas, he used the Internet and a cellular telephone, facilities and means of interstate and foreign commerce, and knowingly persuaded, induced and enticed a 15-year-old girl to engage in sexual activity for which he could have been charged with a criminal offense, specifically a violation of Sec. 22.011(a)(2), Texas Penal Code, that is, Sexual Assault of a Child, which makes it a crime to intentionally and knowingly, with a child under the age of 17, cause the penetration of the anus or female sexual organ of the child by any means.

2. More specifically, on March 24, 2015, at approximately 1:09 AM, Grand Prairie, Texas Police Department (GPPD) officers were dispatched to a call regarding a missing child. Preliminary investigation indicated that a 15 year old female was missing from her guardians' residence, and GPPD officers subsequently began to search for the juvenile in the immediate area surrounding her residence. While driving through the neighborhood, officers observed a suspicious vehicle parked at the Indian Hills Baptist Church, located at 814 Tamara Lane, Dallas County, Texas.

3. The GPPD officers approached the vehicle, and noticed the rear passenger area was occupied by two individuals. The male vehicle occupant, later identified as Carr, opened the door and immediately began to apologize.

4. GPPD officers identified the other occupant as the missing 15 year old girl, hereinafter referred to as Jane Doe #1, and placed her inside of a patrol car. While seated in the patrol car, Jane Doe #1 stated she and Carr met on an online social media website. Carr was arrested.

5. On this same date, GPPD detectives obtained and executed a State of Texas search warrant on Carr's vehicle and documented and seized several items, including a used condom, two condom wrappers, a bottle of lubricant, a Metro PCS ZTE mobile device and a Samsung Galaxy T-599 mobile device. Officers also found Carr's driver's license, which indicated he was 24 years old.

6. On March 25, 2015, GPPD detectives searched Jane Doe #1's mobile device. The search of the device revealed Jane Doe #1 was communicating via the Kik¹ instant messaging application with user "mikepyro713," later identified as Carr.² The following is an excerpt² of Kik instant messages exchanged between Jane Doe #1 and Carr on or about March 23, 2015:

And also through
The text messaging
WB, 11/22/15
NSC
11/22/15

¹ Kik Messenger is a smartphone application that provides cross-platform smartphone instant messaging, which allows users to have text-based conversations with one another. Kik users can share photos, videos and other content via the application.

² The text content in this excerpt, and any text referenced hereafter as an excerpt of communication, is taken verbatim from the source and may contain typographical or grammatical errors, short-text, or descriptions of a character that cannot be typed in normal font.

Carr: "What if I slide my tongue down your chest feel you shudder as I circle your breast before taking your nipple into my mouth and feeling you harden, hearing you moan"

JD #1: [smiley face character]

Carr: "At the same time I slip a finger inside you"

JD#1: "Yes"

Carr: "You'd let me take your virginity? Why?"

JD#1: "I always wanted to have sex"

Carr: "Why me...Sure you got tons of offers lol" [smiley face character]

JD#1 "Yes"

Carr: "Tonight?"

JD#1: "Yes"

Carr: "How far would you want to go?"

JD#1: "Up to you" [smiley face character]

Carr: "Do you still want to go all the way? [smiley face character]. "I'll see you in a couple hours" [smiley character]

7. A court authorized search of the Samsung Galaxy T-559 mobile device seized from Carr's car revealed he was also communicating with Jane Doe #1 via text messaging from the evening of March 23, 2015 until the early hours of March 24, 2015. The following is an excerpt of text messages exchanged between Carr and Jane Doe #1 during that timeframe:

Carr: "You really want to lose your virginity tonight? :-*"

JD#1: "My scared and excited!!"

JD#1: "Meet my By my house. Well.... Kinda. Meet met by the corner."

Carr: "Im heading out in 30 min. Ill call ya when im driving out"
JD#1: "How old are you again?"
Carr: "18"
Carr: "U?"
JD#1: "I'm 15... If that's okay? My aunt is drunk as fuck so I can just say I'll walk for a while then come straight home."
Carr: "Im ok with your age if youre ok with mine :)"
JD#1: "What kind of sex are we having?"
Carr: "Um normal?"
Carr: "Not anal. And you don't have to blow me but ill eat u out to make u feel good"
JD#1: "Where are we doing it?"
Carr: "My car or somewhere in the park :)"

8. Carr admits and acknowledges that he communicated via the Internet using Kik and a cell phone with Jane Doe #1 believing that Jane Doe #1 was a 15-year-old girl. Carr admits that he used his cell phone, the Internet and the Kik application in order to entice Jane Doe #1, who had not attained the age of 17, to engage in sexual activity, that is sexual assault of a child, and he admits that the purpose of speaking with Jane Doe #1 was to entice her to engage in sexual activity, including penetrating her genitals with his penis. He acknowledges that sexual assault of a child is a crime in the State of Texas, specifically a violation of Sec.22.011(a)(2), which makes it a crime to cause the penetration of the anus or sexual organ of a child by any means.

9. Carr acknowledges that he used his cell phone and his Kik application to

communicate with Jane Doe #1, who resided and was located in the Northern District of Texas when he engaged in this conduct. He acknowledges that his cell phone and the Internet are both facilities of interstate and foreign commerce.

AGREED TO AND SIGNED this 22 day of November, 2015.

JOHN R. PARKER
UNITED STATES ATTORNEY



MICHAEL JOSEPH CARR
Defendant



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